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UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

SECURITIES INVESTOR PROTECTION CORPORATION,

Plaintiff,

V.

BERNARD L. MADOFF INVESTMENT SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

Adv. Pro. No. 08-01789 (BRL)

**SIPA** Liquidation

(Substantively Consolidated)

# NOTICE OF AGENDA FOR MATTERS SCHEDULED FOR HEARING ON MAY 5, 2010 AT 10:00 A.M.

### **CONTESTED MATTER**

# Picard v. Chais, et al.; Adv. Pro. No. 09-1172

1. Defendants' Partial Motion to Dismiss (related document 1) filed by Philip R. White on behalf of Mark Chais, Mirie Chais, William Chais, Wrenn Chais, Chais Investments, Ltd., Chais Management Ltd., Chais Management, Inc., individually and as General Partner of Chais Management Ltd., Chais Venture Holdings, Emily Chasalow, Onondaga, Inc., individually and as General Partner of Chais Investments Ltd., a Nevada

Limited Partnership, The 1994 Trust For The Children Of Stanley And Pamela Chais, The 1996 Trust For The Children Of Pamela Chais And Stanley Chais, The 1999 Trust For The Grandchildren Of Stanley And Pamela Chais, The Ari Chais 1999 Trust, The Ari Chais Transferee #1 Trust, The Benjamin Paul Chasalow 1999 Trust, The Benjamin Paul Chasalow Transferee #1 Trust, The Chloe Francis Chais 1994 Trust, The Chloe Francis Chais Transferee #1 Trust, The Emily Chais 1983 Trust, The Jonathan Chais Transferee #1 Trust, The Jonathan Wolf Chais Trust, The Justin Robert Chasalow 1999 Trust, The Justin Robert Chasalow Transferee #1 Trust, The Madeline Celia Chais 1992 Trust, The Madeline Chais Transferee #1 Trust, The Mark Hugh Chais 1983 Trust, The Onondaga, Inc. Defined Benefit Pension Plan, The Rachel Allison Chasalow 1999 Trust, The Rachel Allison Chasalow Transferee #1 Trust, The Tali Chais 1997 Trust, The Tali Chais Transferee #1 Trust, The Unicycle Corporation Money Purchase Plan, The Unicycle Trading Company, The William And Wrenn Chais 1994 Family Trust, The William Frederick Chais 1983 Trust, Unicycle Corp., individually and as the General Partner of The Unicycle Trading Company (collectively, the "Defendants") (Filed 11/12/2009) [Docket No. 36]

## Related Document:

- A. Declaration of Philip R. White in support of Defendants' Partial Motion to Dismiss (related document 36) filed by Philip R. White on behalf of Defendants (Filed: 11/12/2009) [Docket No. 37]
- B. Memorandum of Law in Support of Defendants' Partial Motion to Dismiss (related document 36) filed by Philip R. White (Filed: 11/12/2009) [Docket No. 38]
- C. Certificate of Service (related document 36) filed by Philip R. White on behalf of Defendants (Filed 11/12/2009) [Docket No. 39]
- D. Complaint (Filed: 5/1/2009) [Docket No. 1]

## Opposition Filed:

E. Memorandum of Law In Opposition To Defendants' Partial Motion To Dismiss (related document 36) filed by Marc E. Hirschfield on behalf of Irving H. Picard (Filed: 1/22/2010) [Docket No. 66]

#### Reply Filed:

F. Reply Memorandum of Law in Support of the Defendants' Partial Motion to Dismiss (related document 36) filed by Philip R. White (Filed: 3/26/2010) [Docket No. 76]

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2. Motion to Dismiss Adversary Proceeding/Motion to Dismiss Pursuant to Fed. R. Civ. 12(B)(2) and Fed. R. Bankr. P. 7012(B) (related document 1) filed by Philip R. White on behalf of Miri Chais (Filed: 11/12/2009) [Docket No. 40]

#### Related Document:

- A. Declaration of Miri Chais (related document 40) filed by Philip R. White (Filed 11/12/2009) [Docket No. 41]
- B. Memorandum of Law in Support of Miri Chais' s Motion to Dismiss for Lack of Personal Jurisdiction Pursuant to Fed. R. Civ. 12(B)(2) and Fed. R. Bankr. P. 7012(B) (related documents 40) filed by Philip R. White (Filed 11/12/2009) [Docket No. 42]
- C. Certificate of Service (related document 40) filed by Philip R. White on behalf of Miri Chai (Filed 11/12/2009) [Docket No. 43]
- D. Complaint (Filed: 5/1/2010) (See Tab 1D) [Docket No. 1]

## Opposition Filed:

- E. Memorandum of Law in Opposition To Defendant Miri Chais' Motion to Dismiss (related document 40) filed by Marc E. Hirschfield on behalf of Irving H. Picard (Filed: 1/22/2010) [Docket No. 67]
- F. Declaration of Marc E. Hirschfield In Support Of The Trustee's Opposition To Miri Chais' Motion To Dismiss (related document 40) filed by Marc E. Hirschfield on behalf of Irving H. Picard (Filed 1/22/2010) [Docket No. 68]
- G. Certificate of Service of Memorandum of Law in Opposition to Denfendant Miri Chais' Motion to Dismiss and Declaration of Marc Hirschfield in Support (related documents 68, 67) filed by Marc E. Hirschfield on behalf of Irving H. Picard (Filed: 1/22/2010) [Docket No. 69]

#### Reply Filed:

- H. Reply Memorandum of Law in Further Support of Defendant Miri Chais's Motion to Dismiss for Lack of Personal Jurisdiction (related document 40) filed by Philip R. White (Filed: 3/26/2010) [Docket No. 75]
- 3. Motion to Dismiss Adversary Proceeding filed by Tracy L. Klestadt on behalf of Michael Chasalow (Filed: 9/21/2009) [Docket No. 11]

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#### Related Documents:

- A. Notice of Hearing on Defendant's Motion to Dismiss Plaintiff's Claims (related document 11) filed by Tracy L. Klestadt on behalf of Michael Chasalow (Filed: 9/21/2009) [Docket No. 12]
- B. Affidavit of Service (related documents 11, 12) filed by Tracy L. Klestadt on behalf of Michael Chasalow (Filed: 9/22/2009) [Docket No. 16]
- C Complaint (Filed: 5/1/2009) (See Tab 1D) [Docket No. 1]

## Opposition Filed:

- D. Memorandum of Law in Opposition to Defendant Michael A. Chasalow's Motion to Dismiss filed by Marc E. Hirschfield on behalf of Irving H. Picard (Filed: 11/23/2009) [Docket No. 50]
- 4. Notice of Motion and Motion Of Irving H. Picard, Trustee, To Dismiss Defendants' Counterclaims filed by Marc E. Hirschfield on behalf of Irving H. Picard (Filed 1/15/2010) [Docket No. 62]

#### Related Documents:

- A. Declaration of Marc E. Hirschfield In Support of Trustee's Motion To Dismiss Defendants' Counterclaims (related document 62) filed by Marc E. Hirschfield on behalf of Irving H. Picard (Filed: 1/15/2010) [Docket No. 63]
- B. Memorandum of Law in Support of Plaintiff's Motion To Dismiss Defendants' Counterclaim (related documents 63, 62) filed by Marc E. Hirschfield on behalf of Irving H. Picard (Filed: 1/15/2010) [Docket No. 64]
- C. Certificate of Service of Notice of Motion and Trustee's Motion to Dismiss Defendants' Counterclaims, Declaration of Marc Hirschfield in Support and Memorandum of Law (related documents 63, 64, 62) filed by Marc E. Hirschfield on behalf of Irving H. Picard (Filed: 1/15/2010) [Docket No. 65]

# Opposition Filed:

D. Declaration of Eugene Licker in Support of Defendants' Opposition to Plaintiff's Motion to Dismiss Counterclaims (related document 36) filed by Walter H. Curchack on behalf of Appleby Productions Ltd., Pamela Chais, Stanley Chais, The Appleby Productions Ltd. Defined Contribution Plan, The Appleby Productions Ltd. Money Purchase Plan, The Appleby Productions Ltd. Profit Sharing Plan, The Chais 1991 Family Trust (Filed 2/17/2010) [Docket No. 72]

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E. Memorandum of Law in Opposition to Plaintiff's Motion to Dismiss Counterclaims filed by Walter H. Curchack on behalf of Appleby Productions Ltd., Pamela Chais, Stanley Chais, The Appleby Productions Ltd. Defined Contribution Plan, The Appleby Productions Ltd. Money Purchase Plan, The Appleby Productions Ltd. Profit Sharing Plan, The Chais 1991 Family Trust (Filed: 2/17/2010) [Docket No. 73]

# Reply Filed:

- F. Reply Brief in Support of Plaintiff's Motion to Dismiss Defendants' Counterclaim filed by Marc E. Hirschfield on behalf of Irving H. Picard (Filed: 3/5/2010) [Docket No. 74]
- 5. Pre-trial Conference.

#### SIPC v. BLMIS, et al.; Adv. Pro. No. 08-1789

- 6. Notice of Hearing on Third Applications For Interim Compensation For Services Rendered And Reimbursement of Actual and Necessary Expenses Incurred by Applicants From 10/1/2009 through 1/31/2010 (Filed 4/12/2010) [Docket No. 2199]
- 7. Trustee's Interim Report For The Period Ending March 31, 2010 filed by Irving H. Picard on behalf of Irving H. Picard (Filed: 4/9/2010) [Docket No. 2186]
- 8. Third Application of Irving H. Picard, Trustee For Allowance of Interim Compensation For Services Rendered and Reimbursement of Actual and Necessary Expenses Incurred From 10/1/2009 through 1/31/2010 for Irving H. Picard, Trustee Chapter 7, period: 10/1/2009 to 1/31/2010, fee:\$671591.25, expenses: \$77.66. filed by David J. Sheehan (Filed: 4/9/2010) [Docket No. 2188]
- 9. Third Application of Baker & Hostetler LLP For Allowance of Interim Compensation For Services Rendered And Reimbursement Of Actual and Necessary Expenses Incurred From 10/1/2009 through 1/31/2010 for Baker & Hostetler, L.L.P., Trustee's Attorney, period: 10/1/2009 to 1/31/2010, fee:\$23884085.25, expenses: \$390204.89. filed by David J. Sheehan (Filed: 4/9/2010) [Docket No. 2189]
- 10. Application of Schiltz & Schiltz as Special Counsel To The Trustee For Allowance of Interim Compensation For Services Rendered And Reimbursement of Actual and Necessary Expenses Incurred From 10/1/2009 through 1/31/2010 for Schiltz & Schiltz, Special Counsel, period: 10/1/2009 to 1/31/2010, fee:\$85756.50, expenses: \$5574.17. filed by David J. Sheehan (Filed: 4/9/2010) [Docket No. 2190]
- 11. Application of Higgs Johnson Truman Bodden & Co. as Special Counsel To The Trustee For Allowance of Interim Compensation For Services Rendered And Reimbursement of Actual and Necessary Expenses Incurred From 10/1/2009 through 1/31/2010 for Higgs

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- Johnson Truman Bodden & Co., Special Counsel, period: 10/1/2009 to 1/31/2010, fee:\$53550.00, expenses: \$7680.91. filed by David J. Sheehan (Filed: 4/9/2010) [Docket No. 2191]
- 12. Application of Eugene F. Collins As Special Counsel For The Trustee For Allowance Of Interim Compensation For Services Rendered And Reimbursement of Actual And Necessary Expenses Incurred From 10/1/2009 through 1/31/2010 for Eugene F. Collins, Special Counsel, period: 10/1/2009 to 1/31/2010, fee:\$10208.16, expenses: \$0.0. filed by David J. Sheehan (Filed: 4/9/2010) [Docket No. 2193]
- 13. Application of Williams, Barristers & Attorneys As Special Counsel To The Trustee For Allowance of Interim Compensation For Services Rendered and Reimbursement of Actual and Necessary Expenses Incurred from 10/1/2009 through 1/31/2010 for Williams, Barristers & Attorneys, Special Counsel, period: 10/1/2009 to 1/31/2010, fee:\$80500.00, expenses: \$12495.00. filed by David J. Sheehan (Filed: 4/9/2010) [Docket No. 2194]
- 14. Application of Attias & Levy As Special Counsel For The Trustee For Allowance of Interim Compensation For Services Rendered and Reimbursement of Actual and Necessary Expenses Incurred From 10/1/2009 through 1/31/2010 for Attias & Levy, Special Counsel, period: 10/1/2009 to 1/31/2010, fee:\$195375.60, expenses: \$7218.52. filed by David J. Sheehan (Filed: 4/9/2010) [Docket No. 2195]
- 15. Application of Lovells LLP as Special Counsel To The Trustee For Allowance of Interim Compensation For Services Rendered And Reimbursement of Actual and Necessary Expenses Incurred From 10/1/2009 through 1/31/2010 for Lovells LLP, Special Counsel, period: 10/1/2009 to 1/31/2010, fee:\$383128.20, expenses: \$43672.39. filed by David J. Sheehan (Filed: 4/9/2010) [Docket No. 2196]
- 16. Second Application for Interim Professional Compensation for Windels Marx Lane & Mittendorf, LLP, Special Counsel, period: 11/1/2009 to 1/31/2010, fee:\$991,539.40, expenses: \$16,914.96. filed by Windels Marx Lane & Mittendorf, LLP (Filed: 4/9/2010) [Docket No. 2197]
- 17. Application of Kugler Kandestin, L.L.P. As Special Counsel To The Trustee For Allowance Of Interim Compensation For Services Rendered and Reimbursement of Actual And Necessary Expenses Incurred From 9/1/2009 through 1/31/2010 for Kugler Kandestin, L.L.P., Special Counsel, period: 9/1/2009 to 1/31/2010, fee:\$5,118.57, expenses: \$193.08. filed by David J. Sheehan (Filed: 4/9/2010) [Docket No. 2198]
- 18. Trustee's Amended Third Interim Report For The Period Ending March 31, 2010 (Filed: 4/14/2010) [Docket No. 2207]
- 19. Affidavit of Service of Notice of Hearing on Third Interim Fee Applications (related document 2199) filed by David J. Sheehan on behalf of Irving H. Picard (Filed: 4/20/2010) [Docket No. 2218]

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Objections Due: April 28, 2010

#### Objection Filed:

A. Objection to Third Application of Irving H. Picard, Trustee, and Baker & Hostetler LLP for Allowance of Interim Compensation for Services Rendered and Reimbursement of Expenses Incurred from October 1, 2009 through January 31, 2010 (related document 2188) filed by Helen Chaitman on behalf of Maureen Ebel, Diane Peskin, Roger Peskin (Filed: 4/28/2010) [Docket No. 2233]

## **Related Document:**

B. Certificate of Service (related document 2233) filed by Helen Chaitman on behalf of Maureen Ebel, Diane Peskin, Roger Peskin (Filed: 4/28/2010) [Docket No. 2234]

# Reply Filed:

C. Trustee's Response To Objection To Third Applications Of Trustee and Baker & Hostetler LLP For Allowance Of Interim Compensation filed by David J. Sheehan on behalf of Irving H. Picard (Filed: 5/4/2010) [Docket No. 2239]

Dated: New York, New York May 4, 2010

#### **BAKER & HOSTETLER LLP**

By: s/Marc E. Hirschfield

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